

Notice of Allowability

Application No.

09/659,525

Examiner

Cassandra Davis

Applicant(s)

SIEGEL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/16/05 and telephone interview on 6/12/05.
2. ☒ The allowed claim(s) is/are 1,3,6-9,11,14-16,18 and 21-30.
3. ☒ The drawings filed on 12 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with MYRON GREENSPAN on June 12, 2005.

The application has been amended as follows:

9.) A method for labeling products so as to provide consumers with selected information, comprising:

producing a hang tag including an optical memory encoded with information relating to a product to which it is to be attached;

inserting said optical memory within a protective enclosure dimensioned to receive[d] and protectively enclose said optical memory;

said protective enclosure normally being closed to prevent movement of said optical memory out of said protective enclosure:

selectively attaching said protective enclosure to the product using an attachment means; and

initially obstructing with access means said optical memory from being removed from said protective enclosure and subsequently permanently eliminating any obstruction to allow for free movement of said optical memory from and into said

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protective enclosure after said access means is altered by a user to allow said optical memory to be initially withdrawn from said protective enclosure

said attachment means forming at least part of said permanently alterable means.

11. The method according to claim 9, wherein said ~~protective enclosure~~ is ~~secured to the product with~~ attachment means an elongated member in the form of a cord.

16. A product including a hang tag attached thereto for providing consumers with selected information, the hang tag comprising:

an optical memory encoded with information relating to a product to which the hang tag is attached; and

means for attachment to a product, ~~said means for attachment comprising:~~

a protective enclosure dimensioned to receive said optical memory;

access means cooperating with said protective enclose enclosure and for initially obstructing said optical memory from being removed from said protective enclosure and subsequently permanently eliminating any obstruction to allow for free movement of said optical memory from and into said protective enclosure after said access means is altered by a user to allow said optical memory is initially withdrawn from said protective enclosure

said attachment means forming at least part of said permanently alterable means.

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26. The hangtag according to claim [1] 25, wherein said access means comprises a sealed edge of said juxtaposed panels that is severable by a user to expose an opening for removing said optical memory.

29. The method according to claim [1] 9, wherein the information encoded on said optical memory includes information relating to the product to which the hangtag is to be attached.

30. The product according to claim [1] 16, wherein the information encoded on said optical memory includes information relating to the product to which the hangtag is to be attached.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
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CD
June 13, 2005